

## REMARKS

Applicant respectfully requests consideration and allowance of the pending claims. Each of the independent claims 1, 27, and 36 is amended hereby. The claims are amended solely to remedy minor informalities.

### Statement of Substance of Interview

The Applicant thanks the Examiner for agreeing to discuss the instant Application with the undersigned attorney. During a telephone interview of September 16, 2008, the undersigned and the Examiner discussed the removal of the Whitten et al. patent document in accordance with 35 U.S.C. § 103(c). The Examiner agreed that Whitten et al. should be disqualified under 35 U.S.C. § 103(c) once a statement that is sufficient to establish common ownership is submitted.

### Claim Rejections Under 35 U.S.C. § 103

**Claims 1-7, 10-15, 27, 28 and 30-33, 36 and 37** stand rejected as being unpatentable under 35 U.S.C. § 103(a) in view of U.S. Patent Publication No. 2003/0182574 to Whitten et al. ("Whitten") and U.S. Patent Publication No. 2007/0277037 to Langer ("Langer"). Applicant respectfully traverses this rejection.

The instant Application, having Application No. 10/632,887, and Application No. 10/101,999, having a U.S. Patent Publication No. 2003/0182574 (Whitten et al.), were, at the time the invention of the instant Application was made, both subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that Whitten et al. only qualifies as prior art under 35 U.S.C. § 102(e), and shared a common assignee with the instant Application at the time the subject matter of the instant Application was conceived. Therefore, Whitten et al., which was relied upon in

combination with Langer under 35 U.S.C. § 103(a), should be disqualified under 35 U.S.C. § 103(c).

For at least the foregoing reasons, Applicant respectfully requests the Office to reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney at the provided email address.

Respectfully Submitted,

Dated: October 2, 2008

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